IN RE:

PETITION FOR SPECIAL EXCEPTION

NE/S Joppa Road and SEC Balto.

Beltway (I-695) 2122 W. Joppa Road

8th Election District

3rd Councilmanic District

Trustees of the Trinity Assembly * Case No. 96-287-X

of God, Legal Owner

Contract Purchaser: Wash/Balto.

Cellular Ltd. Partnership

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 2122 West Joppa Road in Lutherville. The Petition is filed by the Trustees of the Trinity Assembly of God of Baltimore City, property owner and the Washington/Baltimore Cellular Ltd. Partnership, dba Cellular One, Lessee. Special exception relief is requested to approve a wireless transmitting and receiving facility on the subject site, zoned D.R.1. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

Appearing at the public hearing held for this case were Mike Mouse, Marcie Raskin, Van Thompson and George Meeker, all from Cellular One. present was Robert Morelock from Daft, McCune, Walker, Inc. The Petitioner was represented by Karl J. Nelson, Esquire. There were no Protestants or other interested persons present.

Proffered testimony offered on behalf of the Petitioner was that the subject property is approximately 15.068 acres in area, zoned D.R.1. This site is located adjacent to Joppa Road and Interstate 83 in Lutherville, just north of the Baltimore Beltway (I-695). The property is owned by the Trustees of the Trinity Assembly of God of Baltimore City and the property is improved with a church building and related improvements. Several photographs were submitted of the site and the site plan accurately depicts

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the property's use and improvements thereon.

Further testimony was that the property owners have entered into a lease agreement with Cellular One. As is well known, Cellular One is in the business of providing mobile communication service. In this regard, testimony was offered explaining Cellular One system of wireless transmitting and receiving facilities. In essence, the company has established a communications network throughout the Baltimore/Washington Metropolitan Area. This network allows a mobile phone user to be handed off from one wireless facility to the next so as to ensure continuous and uninterrupted communication.

It was noted that the subject vicinity features a high volume of calls and use. As noted above, this vicinity is near the interchange of I-695 and I-83 and near the commercial/office/retail business center in Towson. Although Cellular One has nearby antenna facilities, the Petitioner has leased the subject property to improve coverage and increase capacity. In this regard, small antennas have been placed on the roof of the church building. These antennas are 1 ft. x 1 ft. in dimension and are barely visible from the ground. Photographs of the antennas show that same match perfectly with the roof line of the structure and are barely visible. These are not the larger antenna panels familiar to the Zoning Commissioner from other cases but smaller antennas.

Based upon the testimony and evidence offered, all of which is uncontradicted, it is clear that the subject does not adversely impact the health, safety or general welfare of the surrounding locale. The effects of these antenna are innocuous both from a visibility and environmental standpoint. In this regard, an environmental statement was prepared and submitted as Petitioner's Exhibit No. 2. This study concludes that the facility has little or no impact on the environment and does not detrimen-

tally affect the surrounding locale. Thus, it is clear that the Petitioner has satisfied the burden set forth in Section 502 of the BCZR and the case law. The Petition, therefore, must and should be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AWRÉNCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

LES:mmn

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 14, 1996

Karl J. Nelson, Esquire Kramon and Graham 1 South Street, Suite 2600 Baltimore, Maryland 21202

RE: Petition for Special Exception

Case No. 96-287-X

Lessee: Washington/Balto. Cellular Ltd. Partnership Legal Owner: The Trustees of the Trinity Assembly of God

Dear Mr. Nelson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Schmidt Zoning Commissioner

LES:mmn

att.

Messrs. Maus, Thompson, Meeker and Ms. Raskin, Cellular One C:

Mr. R. Morelock, DMW, Inc. c:





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at _	2122 West Joppa Road
-Z87-X	which is presently zoned DR 1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a wireless transmitting and receiving facility in a DR 1 zone.

		ESTIMATED LENGTH OF HEARING	
State	Zipcode	<u> </u>	
MD	21202		USE ONLY.
	347-7434	Towson, MD 21286	e. 296-3333 Phone No.
<u> </u>		•	McCune-Walker, Inc.
	<u></u>	Cîty	State Zipcode f legal owner, contract purchaser, or
			Phone No. 21093
		2122 W. Joppa Road	
MD State	21076 Zipcode	Signature	
		(Type or Print Name)	
	712-7770		
		Signature	
COLT Darring	<u>ore</u>	(Type op Frint Name)	
	4		d of Baltimore City
		Legal Owner(s):	
			, under the penalties of perjury, that I/we which is the subject of this Petition.
	MD State	347-7434 Phone No. MD 21202	are the legal owner(s) of the property Legal Owner(s): Trustees of the Trinity Assembly of Go. (Type or Print Name) MD 21076 State Zipcode Signature 2122 W. Joppa Road Address Lutherville MI City Name, Address and phone number or representative to be contacted. Robert Morelock, Daft-I Name 200 E. Pennsylvania Av Towson, MD 21286 Address MD 21202 OFFICE

287

Description

96-287-X

To Accompany Petition for Special Exception

15.068 Acre Parcel

Trustees of the Trinity Assembly of God of Baltimore City Property

Eighth Election District, Baltimore County, Maryland



Daft · MCune · Walker, Inc.

200 East Pennsylvanta Avenue Towson, Maryland 21286 410 296 3333 Fax 296 4705

A Team of Land Planners, Landscape Architects, Engineers, Surveyors & Environmental Professionals

Beginning for the same at the point formed by the intersection of the southeast side of Joppa Road, variable width, and the southeast right-of-way line of the Baltimore Beltway (Interstate 695) and being at the end of the second of the two following courses and distances from the point formed by the intersection of the centerline of Joppa Road with the centerline of the Baltimore Beltway (1) Southeasterly 130 feet, more or less, and thence (2) Northeasterly 80 feet, more or less, to the point of beginning, thence leaving said beginning point and binding on the southeast right-of-way line of the Baltimore Beltway (1) Northeasterly by a line curving to the right with a radius of 7514.44 feet for a distance of 1750.24 feet (the arc of said curve being subtended by a chord bearing North 46 degrees 43 minutes 41 seconds East 1746.28 feet and said curve having a beginning tangent bearing of North 40 degrees 03 minutes 20 seconds East and a departing tangent bearing of North 53 degrees 24 minutes 02 seconds East), thence leaving the Baltimore Beltway and running the five following courses and distances, viz: (2) South 62 degrees 14 minutes 56 seconds East 239.79 feet, thence (3) South 17 degrees 12 minutes 09 seconds West 140.38 feet, thence (4) South 02 degrees 31 minutes 32 seconds East 250.96 feet, thence (5) North 75 degrees 22 minutes 42 seconds West 265.09 feet, and thence (6) North 41 degrees 46 minutes 39 seconds West 1421.61 feet to intersect said southeast side of Joppa

#287

96-287-X

Road, thence running and binding thereon, the three following courses and distances, viz: (7) North 47 degrees 57 minutes 55 seconds West 153.45 feet, thence (8) North 34 degrees 49 minutes 53 seconds West 154.03 feet, and thence (9) North 36 degrees 52 minutes 49 seconds West 79.39 feet to the point of beginning; containing 15.068 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

January 15, 1996

Project No. 95057.A (L95057A)



96-287-X

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Tower, Maryland

District 8		. Date	of Posting 2/20/96
Posted for:	Special Exp	extern	
Petitioner:	Cellular	One	
Location of prop	2/22 W	Joyna	
			- % 4000 - 4400 - 6400 - 44
Location of Sign	In Front of Main	Bulding facing Jo	oon ld.
		2 2	
Remarks:	A. 1. 1.		**********************************
Posted by	Flacelesta	Date of retu	
Number of Sign	Signature	Dete de l'éta	



CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

35000

BALTIK & COUNT OFFICE OF FINANCE - I MISCELLANEOUS CA	REVENUE DIVISION ASH RECEIPT 76-287-X
RECEIVED $DM W$	/Callular Ene
050 Space	/Callular Ene 101 Ex. 300- ITEM # 287 35 Taken by : JEF
الله والمستون المستون	331 93A91#0025HICHRC \$335.80 8A C011:03AM01-29-96

Post by: 2/18/96

CASE NUMBER: 96-287-X (Item 287)

2122 W. Joppa Road

NE/S Joppa Road and SEC Baltimore Beltway (I-695)

8th Election District - 3rd Councilmanic

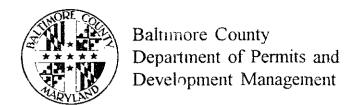
Legal Owner: Trustees of the Trinity Assembly of God of Baltimore City Contract Purchaser: Washington/Baltimore Cellular Limited Partnership,

dba Cellular One Washington/Baltimore

Special Exception for a wireless transmitting and receiving facility.

HEARING: MONDAY, MARCH 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

2/20/56 5.55 pm



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

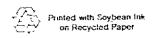
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

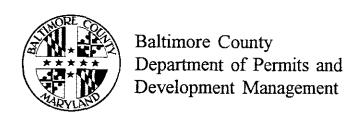
- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 287 Petitioner: Washington Barto. CELLULAR LTD. PARTHESHP.
Location: 2122 W. JOPPA RD. LUTHERVILLE, MD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: MR. MIKE MAIS, CELLULAR ONE
ADDRESS: 7150 STANDARD DRIVE
HANOVER, MD 21076
PHONE NUMBER: 712-7770



y: ITEM #:	date:
Zoning Office USE ONLY	
Chesapeake Bay Critical Area:	
. — — -	
Zoning: Lot size: acreage square feet	
1'=200' scate map#:	
Election District: Councilmanic District:	
LOCATION INFORMATION	
Vicinity Map North scale: 1'*1000'	
	OWNER:
	plat book#,tollo#,section#
ECKLIST for additional required inform	TY ADDRESS: See pages 5 &
e Special Hearing	Plat to accompany Petition for Zoning Variance



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 12, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-287-X (Item 287)

2122 W. Joppa Road

NE/S Joppa Road and SEC Baltimore Beltway (I-695)

8th Election District - 3rd Councilmanic

Legal Owner: Trustees of the Trinity Assembly of God of Baltimore City

Contract Purchaser: Washington/Baltimore Cellular Limited Partnership, dba Cellular

Washington/Baltimore

Special Exception for a wireless transmitting and receiving facility.

HEARING: MONDAY, MARCH 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

Arnold Jablon

Director

cc: Trinity Assembly of God of Baltimore City

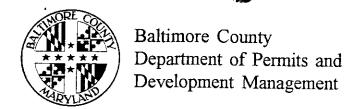
Cellular One Washington/Baltimore

Karl J. Nelson, Esq.

Robert Morelock

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECTAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR EMFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 26, 1996

Karl J. Nelson, Esquire
Kramon & Graham
1 South Street, Suite 2600
Baltimore, MD 21202

RE: Item No.: 287

Case No.: 96-287-X

Petitioner: Trinity Assembly of God of Baltimore City

Dear Mr. Nelson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.

Zoning Supervisor

WCR/jw
Attachment(s)





BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 20, 1996 Zoning Administration and Development Management

Robert W. Bowling, P.E., Chief Development Plans Review

RE: Zoning Advisory Committee Meeting

for February 20, 1996 Items 253 (revised), 269 (revised), 286, 290, 292 and 293

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500

٦_٤

Office of the Fire Marshal (410) 887-4880

DATE: 02/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 12, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 286, 287, 288, 289, 290,
292 AND 293.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Irik on Recycled Paper



David L. Winstead Secretary Hal Kassoff Administrator

2-14-96

Ms. Joyce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County Item No. 287 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS/es

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: February 12, 1996

Permits and Development

Management

FROM:

Pat Keller, Director Office of Planning

SUBJECT:

Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. (287)

288, and 290

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL

PETITION PROBLEMS

#286 -- MJK

1. Need attorney - legal owner is incorporated.

#287 - JRF

- 1. Need typed or printed name of person signing for legal owner.
- 2. Need typed or printed title of person signing for legal owner.
- 3. Need authorization for person signing for legal owner.
- 4. Need telephone number for legal owner.
- 5. Need typed or printed name of person signing for contract purchaser.
- 6. Need typed or printed title of person signing for contract purchaser.
- 7. Need authorization of person signing for contact purchaser.

#289 _- RT

1. Need attorney's signature.

BE: PE	OF MOITIT	R SPEC	IAL EX	CEPTION	1	*		BEFORE	THE		
2122 W.	Joppa Ro	ad, NE,	S Jop	pa Road	and						
SEC Bal	timore Be	ltway	(I-695), 8th		*		ZONING	COMM	ESSION	ER.
Electic	n Distric	t, 3rd	Counc	ilmanio	2						
						*		OF BAI	TIMORE	COUNT	ΓY
Legal C	wner: Tru	stees o	of the	Trinit	ТУ						
P	ssembly o	f God (of Bal	to. Cit	ΞУ	*		CASE N	10.96	-287-X	
Contrac	t Purchas	er: Wa	shingt	on/Balt	imore						
		Ce)	llular	L.P.		*					
Pe	titioners										
* *	*	*	*	*	*	*	*	*	*	*	*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Peter Max Timmerman PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

Poter Max Zimmerman

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-2188

of the foregoing Entry of Appearance was mailed to Karl J. Nelson, Esquire, Kramon & Graham, 1 South Street, Suite 2600, Baltimore, MD 21202 attorney for Petitioners.

PETER MAX ZIMMERMAN

PETITIONER(S) SIGN-IN SHEET

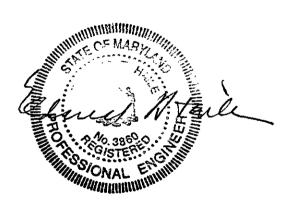
NAME	ADDRESS
Karl J. Nelcon, Esq.	One South ST. Balt MD 21202
MIKE MAUS	7150 SMANDARD DR., HAWARR, MD.
Marci RASKIN	7150 STANDAR DR., HANDLER, MI
BOB MORELOCK	DMW, INC. 200 E. PENNA. AVE TOW
Uan Thompson	Cellular ONE 7150 Standard Dr. Honover M.
George Meeker	1) 41 /1
	<u> </u>
Printed with Sovbean Ink	

Environmental Impact Statement

Cellular One - Trinity Site

February 1996

DMW Project No. 95057.A



Prepared for:

Washington/Baltimore Cellular Limited Partnership dba Cellular One Washington/Baltimore 7150 Standard Drive Hanover, MD 21076





Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286



I. INTRODUCTION

This Environmental Impact Statement (EIS) has been prepared to meet the requirements of section 502.7.C.10 of the Baltimore County Zoning Regulations in support of a Petition for Special Exception for a wireless transmitting and receiving facility at the Trinity Assembly of God church located at 2122 West Joppa Road.

The subject facility will be operated by a lessee, Cellular One Washington/Baltimore. The site is a 15.068 acre parcel located on the northeast side of Joppa Road where it crosses the inner loop of the Baltimore Beltway near Lutherville. All required equipment will be placed on or in the existing building at the site and will create no ground disturbance.

II. PROJECT SUMMARY

The project is a cellular communications facility consisting of four 12" x 12" building-mounted panel antennas attached to the skylight of the existing church, and radio and telephone interconnect equipment. The radio and telephone equipment is housed in a cabinet located entirely within the existing church building. The site is a "fill in" facility designed to improve current coverage and capacity deficiencies in a narrowly defined and heavily traveled portion of the Baltimore Beltway.

The subject site is zoned D.R. 1; adjacent properties to the east and southeast are zoned D.R. 1 and D.R. 3.5 and are used as residences and vacant land.

III. DISCUSSION OF PROBABLE IMPACTS

Site Clearing and Grading: It is not necessary to clear or grade any part of this site. No environmentally sensitive areas, natural or forested communities will be disturbed for this installation.

Site Drainage and Runoff: There is no addition of impervious surface associated with the wireless transmitting and receiving facility and therefore, no increase in storm water runoff from the site. There are no materials which could cause any chemical contamination of either runoff or ground water.

Wildlife Habitat: The site was visited by an Environmental Specialist on December 4, 1995. No significant plant or wildlife resources were found in the immediate vicinity of the proposed facility. All of the exterior components for the facility are structure mounted, so no significant habitats will be disturbed.

There is very little available information on the effect of radio broadcast facilities on free ranging wildlife. However, studies on confined individuals indicate that radio frequency radiation levels must be several orders of magnitude higher than those associated with this type of facility to have any measurable effect. Wildlife studies on the effects of radio frequency radiation emitted by the subject wireless transmitting and receiving facility are unwarranted due to the extremely low power levels of operation.

Noise: Cellular sites with interior equipment such as the subject facility do not generate any audible noise.

RF Radiation: The Federal Communications Commission (FCC) has conducted numerous hearings and issued regulations regarding public exposure to radio frequency radiation from low-powered facilities such as cellular telephone base stations and mobile units, amateur radio equipment and the like. The basis of the regulations is that when operated within them, there is a vast margin of safety associated with transmitting and receiving equipment approved by the FCC. The facility at the Trinity Assembly of God property will comply with all applicable FCC regulations.

Vehicular Traffic: Equipment inspection visits to Cellular One facilities are typically made on a routine but infrequent basis, typically once or twice a month. Technicians are dispatched for emergency repairs as well. The overall traffic amounts to approximately one trip per week. Given the existing church use on the property, there will be no change in traffic volumes or patterns due to the presence of the cell site.

Visual Impact: The facility has no conspicuous visual impact as the antennas are the same color as the skylight to which they are attached. The antennas project horizontally about 6 inches from the skylight and do not extend vertically at all.

IV. ALTERNATIVES TO THE PROPOSED ACTION

The alternative to using a structure mounted facility would be to place the antennas on a monopole or tower at the site.

VI. ASSESSMENT OF LONG-TERM EFFECTS

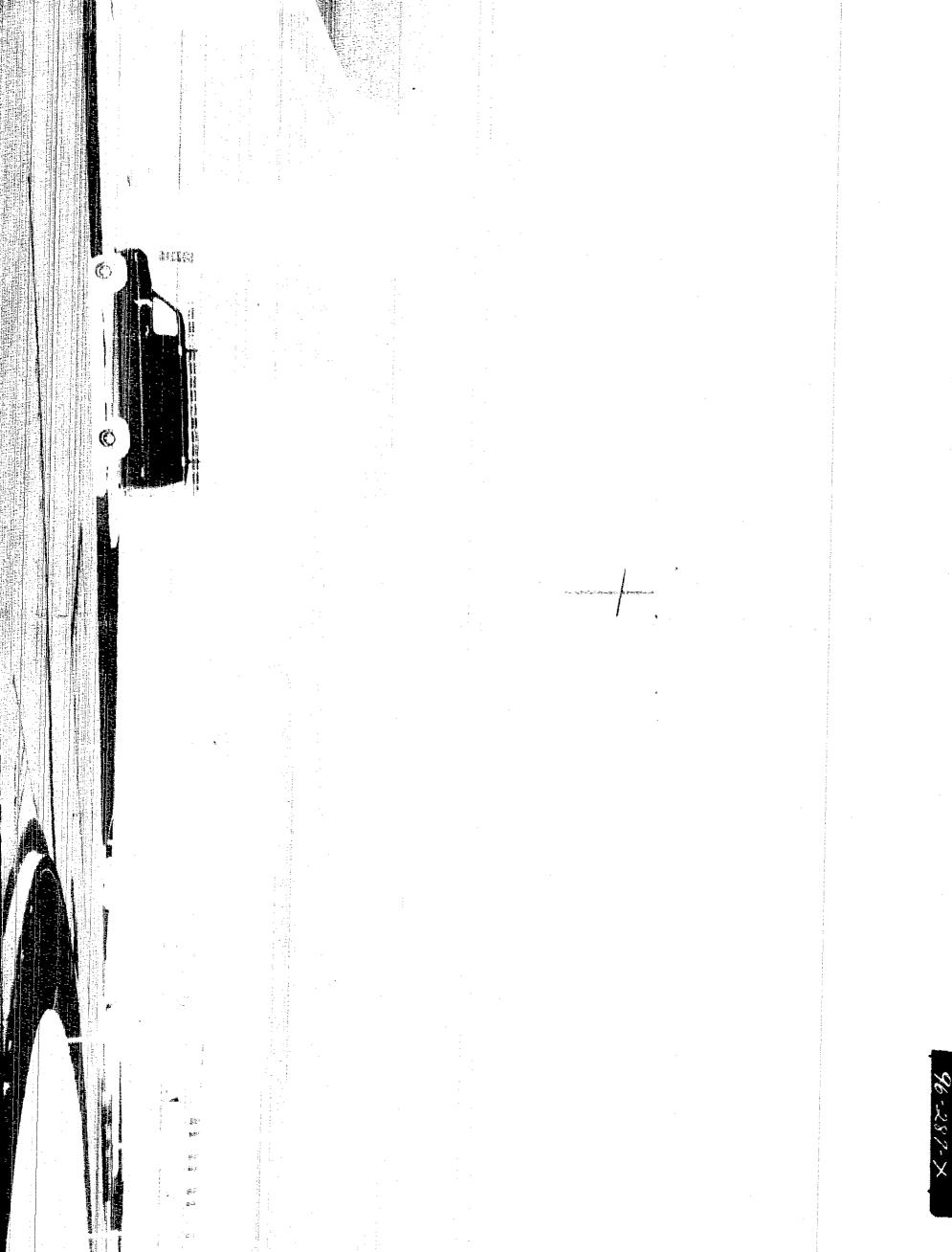
The long-term effects are limited to the presence of the proposed facility. No environmental degradation results from placement of this facility on the existing church.

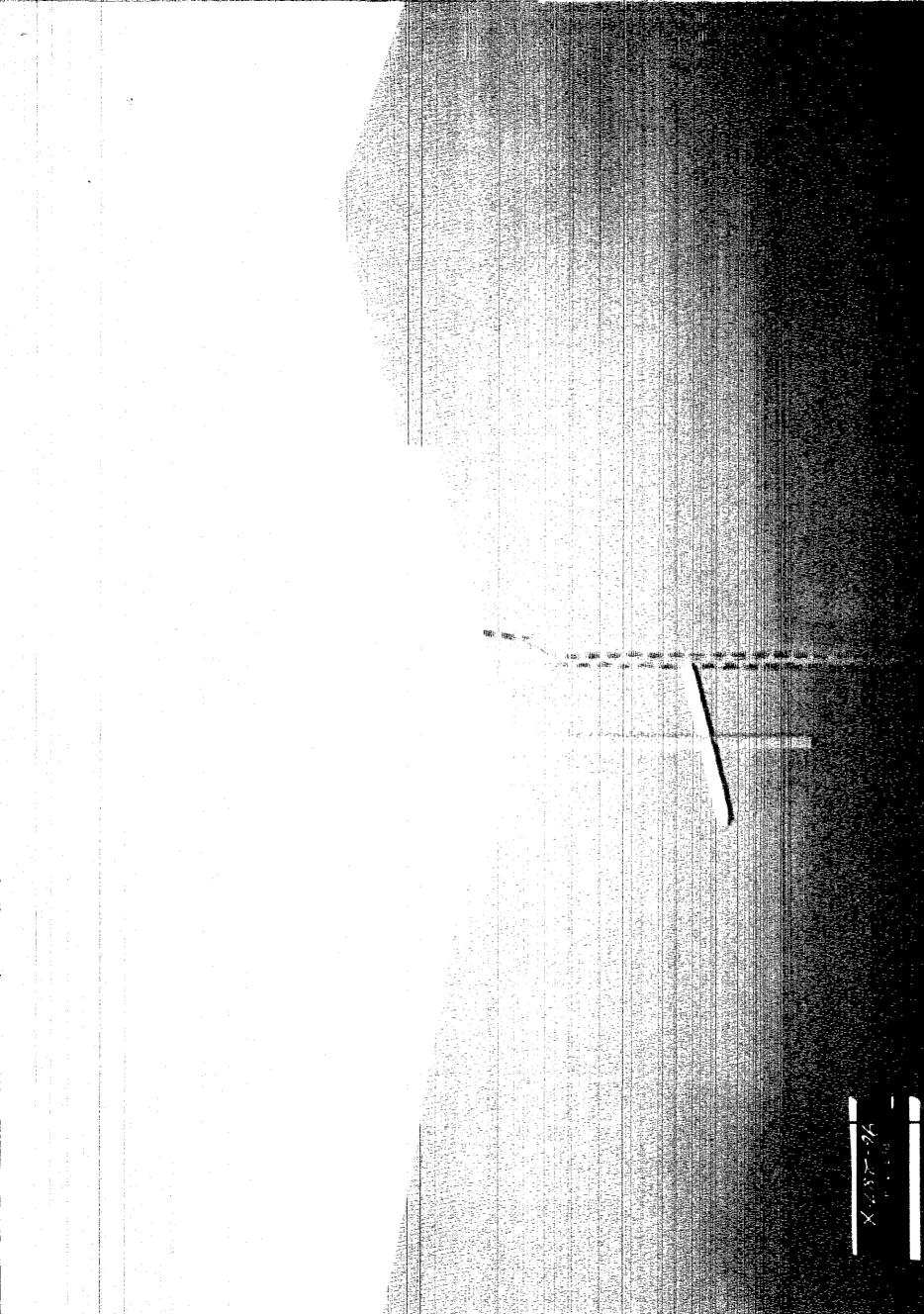
VII. COMMITMENT OF RESOURCES

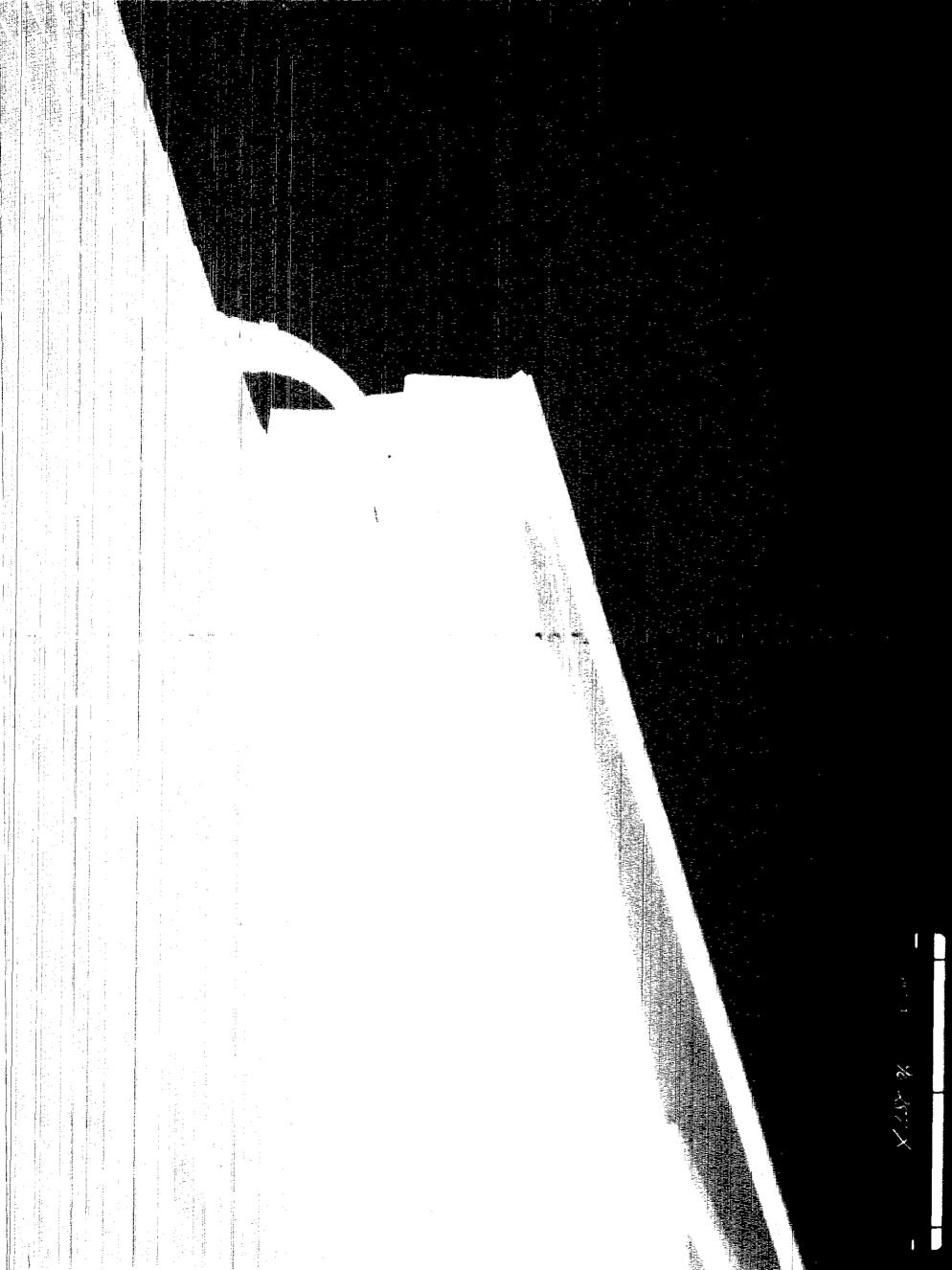
The proposed project does not require any unusual materials or resources.

VIII. CONCLUSIONS

The wireless transmitting and receiving facility has little or no impact on the environment and, in effect, results in a benefit to the public by providing improved cellular communication services in Baltimore County.







FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * * *

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 2122 West Joppa Road in Lutherville. The Petition is filed by the Trustees of the Trinity Assembly of God of Baltimore City, property owner and the Washington/Baltimore Cellular Ltd. Partnership, dba Cellular One, Lessee. Special exception relief is requested to approve a wireless transmitting and receiving facility on the subject site, zoned D.R.1. The subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Special Exception.

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Proffered testimony offered on behalf of the Petitioner was that the subject property is approximately 15.068 acres in area, zoned D.R.1. This site is located adjacent to Joppa Road and Interstate 83 in Lutherville, just north of the Baltimore Beltway (I-695). The property is owned by the Trustees of the Trinity Assembly of God of Baltimore City and the property is improved with a church building and related improvements. Several photographs were submitted of the site and the site plan accurately depicts

Petition for Special Exception

which is presently zoned DR1

iWe do solemnly declare and affirm, under the penalties of perjury, that I'we

Trinity Assembly of God of Baltimore City

Towson, MD 21286

to the Zoning Commissioner of Baltimore County

for the property located at 2122 West Joppa Road

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and

are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

96-287-X

a wireless transmitting and receiving facility in a DR 1 zone.

Washington/Baltimore Cellular Limited Partnership

dba Cellular One Washington/Baltimore

the property's use and improvements thereon.

Further testimony was that the property owners have entered into a lease agreement with Cellular One. As is well known, Cellular One is in the business of providing mobile communication service. In this regard, testimony was offered explaining Cellular One system of wireless transmitting and receiving facilities. In essence, the company has established a communications network throughout the Baltimore/Washington Metropolitan Area. This network allows a mobile phone user to be handed off from one wireless facility to the next so as to ensure continuous and uninterrupted communication.

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Based upon the testimony and evidence offered, all of which is uncontradicted, it is clear that the subject does not adversely impact the health, safety or general welfare of the surrounding locale. The effects of these antenna are innocuous both from a visibility and environmental standpoint. In this regard, an environmental statement was prepared and submitted as Petitioner's Exhibit No. 2. This study concludes that the facility has little or no impact on the environment and does not detrimen-

To Accompany Petition for Special Exception

15.068 Acre Parcel

Trustees of the Trinity Assembly of God of Baltimore City Property

Eighth Election District, Baltimore County, Maryland

Beginning for the same at the point formed by the intersection of the

southeast side of Joppa Road, variable width, and the southeast right-of-way line

of the Baltimore Beltway (Interstate 695) and being at the end of the second of

intersection of the centerline of Joppa Road with the centerline of the Baltimore

Beltway (1) Southeasterly 130 feet, more or less, and thence (2) Northeasterly 80

feet, more or less, to the point of beginning, thence leaving said beginning point

and binding on the southeast right-of-way line of the Baltimore Beltway (1)

Northeasterly by a line curving to the right with a radius of 7514.44 feet for a

distance of 1750.24 feet (the arc of said curve being subtended by a chord bearing

North 46 degrees 43 minutes 41 seconds East 1746.28 feet and said curve having a

beginning tangent bearing of North 40 degrees 03 minutes 20 seconds East and a

departing tangent bearing of North 53 degrees 24 minutes 02 seconds East),

thence leaving the Baltimore Beltway and running the five following courses

and distances, viz: (2) South 62 degrees 14 minutes 56 seconds East 239.79 feet,

thence (3) South 17 degrees 12 minutes 09 seconds West 140.38 feet, thence (4)

South 02 degrees 31 minutes 32 seconds East 250.96 feet, thence (5) North 75

degrees 22 minutes 42 seconds West 265.09 feet, and thence (6) North 41 degrees

46 minutes 39 seconds West 1421.61 feet to intersect said southeast side of Joppa

the two following courses and distances from the point formed by the

DMW

Daft-McCune-Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryand 21286

A Team of Land Planners.

Fax 296 4705

tally affect the surrounding locale. Thus, it is clear that the Petitioner has satisfied the burden set forth in Section 502 of the BCZR and the case law. The Petition, therefore, must and should be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this _______ day of March, 1996 that, pursuant to the Petition for Special Exception, approval to allow a wireless transmitting and receiving facility in a D.R.I zone, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted:

> 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

> > Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

March 14, 1996

Karl J. Nelson, Esquire Kramon and Graham 1 South Street, Suite 2600

Baltimore, Maryland 21202

RE: Petition for Special Exception Case No. 96-287-X Lessee: Washington/Balto. Cellular Ltd. Partnership Legal Owner: The Trustees of the Trinity Assembly of God

Dear Mr. Nelson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Zoning Commissioner

c: Messrs. Maus, Thompson, Meeker and Ms. Raskin, Cellular One c: Mr. R. Morelock, DMW, Inc.

96-287-X

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

		Towen, Marylan	d	
District	Special E	Leister	Date of Posting.	3/30/96
Petitioner:	Cellular		-	
Location of propert	r 2/22	w Joff	na :	
Location of Signat.	IN Front of M	Ain Bulding fac	Joppo.ld.	
Remarks:	}			

Road, thence running and binding thereon, the three following courses and distances, viz: (7) North 47 degrees 57 minutes 55 seconds West 153.45 feet, thence (8) North 34 degrees 49 minutes 53 seconds West 154.03 feet, and thence (9) North 36 degrees 52 minutes 49 seconds West 79.39 feet to the point of beginning; containing 15.068 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE January 15, 1996 Project No. 95057.A (L95057A)

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on <u>Juli 15</u>, 19<u>26</u>.

> THE JEFFERSONIAN. U. Henrices LEGAL AD. - TOWSON

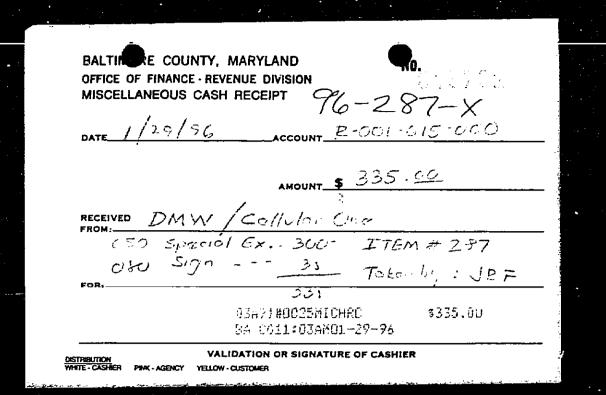
#287

Page 1 of 2

200 E. Pennsylvania Ave. # 287

Page 2 of 2

#287



Post by: 2/18/96

CASE NUMBER: 96-287-X (Item 287)

2122 W. Joppa Road NE/S Joppa Road and SEC Baltimore Beltway (I-695)

8th Election District - 3rd Councilmanic Legal Owner: Trustees of the Trinity Assembly of God of Baltimore City Contract Purchaser: Washington/Baltimore Cellular Limited Partnership, dba Cellular One Washington/Baltimore

Special Exception for a wireless transmitting and receiving facility.

HEARING: MONDAY, MARCH 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse. ______

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

1) Posting fees will be accessed and paid to this office at the time of filing.

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

PLEASE FORWARD ADVERTISING BILL TO:

Item No.: 287 Petitioner: WASHINGTON/BALTO, CELLULAR LTD. PARTURSHP. LOCATION: 2122 W. JOPPA RO. LUTHERVILLE, MD

NAME: MR. MIKE MAYB, CELLULAR ONE
ADDRESS: 7150 STANDARD DRIVE
HANOVER, MD 21076

PHONE NUMBER: 712-7770

Printed with Soybean link On Recycled Paper

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 12, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-287-X (Item 287) 2122 W. Joppa Road NE/S Joppa Road and SEC Baltimore Beltway (I-695) 8th Election District - 3rd Councilmanic

Legal Owner: Trustees of the Trinity Assembly of God of Baltimore City Contract Purchaser: Washington/Baltimore Cellular Limited Partnership, dba Cellular One Washington/Baltimore

Special Exception for a wireless transmitting and receiving facility.

HEARING: MONDAY, MARCH 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

cc: Trinity Assembly of God of Baltimore City Cellular One Washington/Baltimore

> Karl J. Welson, Esq. Robert Morelock

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

February 26, 1996

Karl J. Nelson, Esquire Kramon & Graham 1 South Street, Suite 2600 Baltimore, MD 21202

> RE: Item No.: 287 Case No.: 96-287-X Petitioner: Trinity Assembly of God of Baltimore City

Dear Mr. Nelson:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

WCR/jw Attachment(s)

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 20, 1996 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief Whoevelopment Plans Review Zoning Advisory Committee Meeting for February 20, 1996 Items 253 (revised), 269 (revised), 286, (287,)

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

290, 292 and 293

RWB:sw

Baltimore County Government Fire Department

700 East Joppa Road Towson, MD 21286-5500

Office of the Fire Marshal (410) 887-4886

DATE: 02/14/96

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 12, 1996.

Item No.: SEE BELOW

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Zoning Agenda:

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 286, 287, 288, 289, 290, 292 AND 293.

REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File Printed with Soybean In on Recycled Paper

Marvland Department of Transportation State Highway Administration

David L. Winstead Secretary Hal Kassoff Administrator

2-14-96

RE: Baltimore County Item No. 287 JRF

Dear Ms. Watson:

Ms. Joyce Watson

Baltimore County Office of

Towson, Maryland 21204

Permits and Development Management

County Office Building, Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours, Ronald Burns, Chief **Engineering Access Permits**

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Permits and Development Management

DATE: February 12, 1996

Pat Keller, Director Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s): Item Nos. (287) 288, and 290

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

ITEM287/PZONE/ZAC1

